

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

INGENIADOR, LLC

Plaintiff,

v.

CIVIL ACTION NO.: 3:11-cv-01840-GAG

ALFRESCO SOFTWARE, INC.;
INTERWOVEN, INC; BLACKBOARD,
INC.; BRIDGELINE DIGITAL, INC.; EMC
CORPORATION; HEWLETT-PACKARD
COMPANY; INFORMATICA
CORPORATION; COMPULINK
MANAGEMENT CENTER, INC.;
LEXMARK INTERNATIONAL, INC.;
MICROSOFT CORPORATION; NUXEO
CORPORATION; OBJECTIVE
CORPORATION USA, INC.; ORACLE
CORPORATION; SAP AMERICA, INC.;
SDL TRIDION, INC.; AND SPRINGCM
INC.

Defendants.

**DECLARATION OF BRIAN DISILVESTRO IN SUPPORT OF DEFENDANT EMC
CORPORATION'S MOTION TO DISMISS FOR MISJOINDER OR, IN THE
ALTERNATIVE, TO SEVER AND TRANSFER CLAIMS TO THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

I, Brian DiSilvestro, declare as follows:

1. Unless stated otherwise, I have personal knowledge of the facts set forth below, and if called as a witness, could and would competently testify thereto.
2. I am Director of Business Development for Documentum which is a family of products and a business unit of EMC Corporation. I have been working for EMC since June 1, 2006, which followed EMC's acquisition of Documentum Inc. in December 2003. I currently reside in California, and work at Documentum's principal place of business in Pleasanton, California.
3. I am knowledgeable about various aspects of Documentum's business, including:
 - a) Operations: The computer systems that store information on Documentum's products and customers;
 - b) Customer support: The technical assistance EMC and Documentum provides to its customers via phone, email, and the web;
 - c) Engineering, research and development: The systems used to manage Documentum's development and engineering.;
 - d) Business intelligence: The data warehouse and associated analytical tools and metrics used to manage Documentum's business;
 - e) Licensing: The systems and data that tracks Documentum's licenses; and
 - f) Finance. The systems that track bookings, shipments and revenue.
4. I understand that EMC's "Documentum" product is accused of patent infringement in this case. More specifically, I understand the Complaint states that "EMC sells and offers for sale a content management platform as a foundation for content-backed applications and solutions (e.g., EMC Documentum) which enables publishing content across websites, in accordance with one or more claims of the '629 patent to the injury of Ingeniador." This

general description may be applicable to the Documentum family of products, but does not define any Documentum product with specificity. In any event, all customer data for Documentum's U.S. operations reside in Northern California and is managed primarily from within Northern California. By contrast, none of Documentum's business operations are located in Puerto Rico.

5. The vast majority of day-to-day operations for the Documentum products, including sales, marketing, customer support, data center operations, and engineering, take place at Documentum's facilities in Pleasanton, California. Accordingly, Documentum's documents are managed centrally in Documentum's infrastructure in Pleasanton, California. This includes documents relating to sales, licensing, marketing, customer support, data center operations, and engineering, including source code, for the Documentum products.

6. In addition to me, other key people with factual knowledge of the sales, design, and operations of the Documentum products are based in California. I have listed some of those persons below.

7. Documentum's co-founder, Howard Shao, is no longer with Documentum but resides at 71 Coral Drive, Orinda, CA 94563-4326 which is within 100 miles of the Northern District of California federal court in San Jose. It is my understanding that Mr. Shao is familiar with Documentum's historical operations.

8. One of Documentum's first engineers and Chief Technology Officer, Razmik Abnous, is no longer with Documentum. It is my understanding that Mr. Abnous is familiar with the Documentum products and their early development. It is also my understanding that that Mr. Abnous is currently the President of Digital Insight Vision, located in the San Francisco Bay Area.

9. Lalith Subramanian is the EMC Vice President, Technology & New Ventures for Documentum . He resides in California and works at Documentum's facilities in Pleasanton,

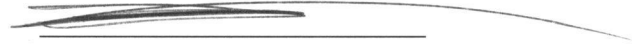
California. Mr. Subramanian has detailed knowledge of the architecture and design of the Documentum product because he was responsible for much of the early engineering work.

10. John McCormick is Senior Director of Product Management / Marketing for Documentum. He resides in California and works at Documentum's facilities in Pleasanton, California. Mr. McCormick is knowledgeable about the marketing of Documentum products because he is primarily responsible for defining Documentum's features and messaging.

11. David Phar is a Manager of Partner Sales for Documentum. He resides in California and works at Documentum's facilities in Pleasanton, California. Mr. Phar is knowledgeable about the sale of Documentum products because he is responsible for following up with leads from our partners and other sources.

12. The following companies are not subsidiaries or affiliates of EMC or Documentum, and, on information and belief, have never controlled, managed, operated, or serviced the Documentum products: ALFRESCO SOFTWARE, INC.; INTERWOVEN, INC.; BLACKBOARD, INC.; BRIDGELINE DIGITAL, INC.; HEWLETT-PACKARD COMPANY; INFORMATICA CORPORATION; COMPULINK MANAGEMENT CENTER, INC.; LEXMARK INTERNATIONAL, INC.; MICROSOFT CORPORATION; NUXEO CORPORATION; OBJECTIVE CORPORATION USA, INC.; ORACLE CORPORATION; SAP AMERICA, INC.; SDL TRIDION, INC.; AND SPRINGCM INC. To the extent I am familiar with any of these companies' products, they may compete with EMC and/or Documentum's product and service offerings.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on the 21 day of October, 2011 at Pleasanton, California.

A handwritten signature in dark ink, appearing to read "Brian DiSilvestro". The signature is written in a cursive style with a long, sweeping horizontal stroke at the end.

Brian DiSilvestro